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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,328	05/07/2001	Yoichiro Asato	450101-02687	2878

20999 7590 02/09/2007

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER	
NGUYEN, HUY THANH	
ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/831,328	ASATO ET AL.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 November 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4,6-7,9-12 ,14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al (5,841,740) in view of Yamamoto (JP10-248048 A, US Patent No. 6,236,802 is a family member of JP10-248048 A and is used as English translation for JP10-248048 A).

Regarding claim 1, Fujita discloses a data recording/reproducing apparatus (Fig. 1-2,7) comprising a non-linearly accessible recording medium (disc array HDD 30, column 6, lines 25-35) , recording/reproducing means for recording/reproducing material including video and/or audio data with respect to the recording medium, and a plurality of input/output processing means (video and audio processing means) for processing the material inputted from the external to output it to the recording/reproducing means and for processing reproduction material outputted from the recording/reproducing means to output it to the external, wherein the respective input/output processing means output the material to the recording/reproducing means within assigned time slot period (array disc) , and the material is caused to be inputted from the recording/reproducing means, the data recording/reproducing apparatus comprising:

information file preparing means for preparing information file relating to first position with respect to editing period of the material and second position located with

respect to the editing period (figs 4-5, 2-21, column 7, lines 10-25, column 17, lines 60 to column 18,line 40) ; and

control means for controlling the recording/reproducing means so as to reproduce the edited material from the first position to the second position on the basis of the information file prepared by the information file and for automatic processing editing (column 7, line 50 column 8, line 15,colmns 14,15 column 17, line 40 to column 18, line 40, Figs. 17,18).

Fujita fails to specifically teach generating first time information and second tie information relating to an edit time period. .

Yamamoto teaches a reproduction apparatus having a control means for generating first time information and second tine information relating to an edit time period and reproducing the video material from the first time information and second time information (Figs. 4-5, 10, column 10, lines 15-50).

It would have been obvious to one of ordinary skill in the art to modify Fujita with Yamamoto by provide the apparatus of Fujita with a control means as taught by Yamamoto for generating a first time information and a second time information elating to an edit time period and reproducing the video material from the first time information to the second time information thereby accurately identify and access the video material used for editing.

Fujita as modified with Yamamoto further teaches a file or editing (editing list file and a file or previewing (See Yamamoto ,Figs. 10-11, column 7 line 52 to column 8,line 50).

Applicant , in Remark , argues that "the first and second time positions are similar to the preroll and postroll commonly used when linear file editing is done with a conventional video tape recorder (VTR) but are applied to a non linearly accessible recording medium ". In response, since the first and second time positions are similar to a preroll and postroll with a conventional video tape, it would have been obvious to one of ordinary skill in the art to apply the preroll point and postroll point as taught by Yamamoto as the first and second time positions for the editing apparatus of Fujita in order to accurately access a video portion to be edited as suggested and taught by the references . Merely selecting points on a medium (linear or no linear medium for reproducing the video signal between the points is well known in the art and that can be applied for both linear and non linear by entering the start points and end point as a play list . Further, it is noted that applicant does not provide the reason why a non linear medium can not used preroll and postroll points as used with conventional video tape for editing the video signal , and the difference between accessing the video portion between the firs time position and second time position with a non linear medium and a linear medium .

Further the combination of Fujita and Yamamoto teaches a recorded file or reproduced since Fujita and Yamamoto teaches reproducing a file for reproducing video data and/or editing list in automatically editing video data and a virtual file list is prepared in previewing processing (See Yamamoto , Figs, 1-11, column 7, lines 50 to column 8,ine 50) .

Method claims 9 and 17 correspond to apparatus claim 1. Therefor, method claims 9 and 17 are rejected by the same reason as applied to apparatus claim 1.

Regarding claims 2 and 10, Fujita as modified with Yamamoto further teaches the data recording/reproducing apparatus as set forth in claim 1, wherein the first position is preroll point with respect to the editing period and the second position is postroll point with respect to the editing period (See Yamamoto Fig. 10).

Regarding claims 3 and 11, Fujita as modified with Yamamoto further teaches the data recording/reproducing apparatus as set forth in claim 2, wherein the information file preparing means further comprises reproduction file preparing means for preparing reproduction file indicating the editing period, and storage means for storing in advance position information relating to period lengths up to the preroll point and the postroll point, thus to prepare the reproduction information from the reproduction file and the position information (See Fujita (Figs. 5, 20, column 7, lines 45-68, column 18, lines 1-40, Yamamoto Fig. 10, column 8, lines 15-45).

Regarding claims 4 and 12 , Fujita further teaches the data recording/reproducing apparatus as set forth in claim 3, wherein the reproduction file consists of information indicating reproduction start position from recording start position recorded on the recording medium of the material, and information indicating reproduction end position corresponding to material length to be reproduced from the reproduction start position (Fig. 5, column 7, lines 45-68) .

Regarding claims 6 and 14, Fujita as modified with Yamamoto further teaches the data recording/reproducing apparatus as set forth in claim 1, which further comprises display means on which the material reproduced from the recording/reproducing means is displayed, wherein the material reproduced from the first position to the second position is displayed on the display means (See Fujita column 11) .

Regarding claims 7 and 15 , Fujita as modified with Yamamoto further teaches information relating to the first position and the second position are time code (see Yamamoto column 8, lines 15-45).

4. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al (5,841,740) in view of Yamamoto JP10-248048 A as applied to claims 1 and 9 above further in view of Hayashi (JP 10-341389) (US 6,434,323 is a family member of JP 10-341389 used as English translation)

Fujita as modified with Yamamoto fails to teach the apparatus having means for deleting the information after reproducing .

Hayashi teach an apparatus for recording and reproducing the video and audio information having means for deleting the information when needed (See corresponding US 6,434,323, Fig. 8, column 10, lines 10-50).

It would have been obvious to one of ordinary skill in the art to modify Fujita with Hayashi by providing a deleting means as taught by with the apparatus of Fujita for deleting the file information or reproduction information after reproducing the material

thereby enhancing the capacity of the apparatus of Fujita for reserving space for storing the new information .

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al (5,841,740) in view of Yamamoto JP10-248048 A as applied to claims 1 and 9 above further in view of Saoyama et al (5,995,471).

Fujita et al fails to teach information relating to the first position and the second position are address value on the recording medium.

Saoyama teaches using address values for the positions of editing material (column 3, line 40 to column 4, line 20 . It would have been obvious to one of ordinary skill in the art to modify Fujita with Saoyama by using address values as alternative to the first position and second position information of Fujita as modified with Yamamoto.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

HUY NGUYEN
PRIMARY EXAMINER